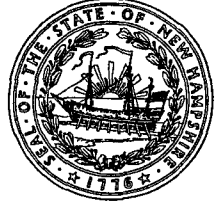




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-025**

September 12, 2005

Milton Dow
3 Spring Tavern Road
Ossipee, NH 03864

RE: DES Wetlands File #2005-01151 Duncan Lake Road, Effingham

Dear Mr. Dow:

On July 25, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Effingham Tax Map 7 as Lot 2 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Erosion and sedimentation from the sand and gravel pit had migrated from the area of the so-called "race track" into a scrub-shrub wetland.

In response, you are requested to take the following actions:

1. Immediately stabilize the Property and install erosion control measures as necessary to protect the wetland from further fill;
2. By September 29, 2005, retain a certified wetland scientist to prepare a restoration plan for the restoration of the wetland;
3. By October 28, 2005, submit a restoration plan to DES for review and approval. The restoration plan shall include the following:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. Existing conditions, with wetland boundaries; and
 - ii. Proposed conditions after re-establishing jurisdictional areas;
 - b. A detailed description of the proposed means of erosion controls (silt fence, hay bales, etc.,) and stabilization of the restoration area;
 - c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration date.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

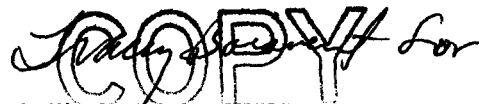
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, stylized, and somewhat obscured word that looks like "COPY".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0695

cc: ~~Rene Pelletier~~, Manager, Land Resources Management Program
✓Gretchen R. Hamel, Administrator, DES Legal Unit
Effingham Conservation Commission
Effingham Board of Selectmen
USACOE